

1 BARRY J. PORTMAN
2 Federal Public Defender
3 COLLEEN MARTIN
4 Assistant Federal Public Defender
5 555 12th St. – Suite 650
6 Oakland, CA 94607-3627
7 Tel. 510-637-3500

8 Counsel for Defendant OCHOA-GUTIERREZ

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IN THE UNITED STATES DISTRICT COURT

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FOR THE NORTHERN DISTRICT OF CALIFORNIA

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14 UNITED STATES OF AMERICA,) No. CR 08-00153 DLJ
15 v. Plaintiff,) STIPULATION FOR CONTINUANCE
16 JOSE LUIS OCHOA-GUTIERREZ,) AND EXCLUSION OF TIME UNDER
17 Defendant.) THE SPEEDY TRIAL ACT, 18 U.S.C.
18) § 3161 ET SEQ.; ORDER
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IT IS HEREBY STIPULATED, by and between the parties to this action, that the STATUS CONFERENCE currently scheduled for April 18, 2008, at 9:00 a.m. before the Honorable D. Lowell Jensen, be continued to May 16, 2008 at 9:00 a.m.

The requested continuance is sought under the Speedy Trial Act, 18 U.S.C. §§ 3161(H)(1)(F),(8)(A) and (B)(iv). The current status is that Mr. Ochoa-Gutierrez is charged with a violation of 8 U.S.C. §1326. Mr. Ochoa-Gutierrez was previously convicted of violating 8 U.S.C. § 1326 in Arizona. Counsel for the defense is attempting to obtain records from that conviction

1 because they may be relevant to a disposition of this matter. In addition, undersigned counsel for the
2 defense has been newly assigned to the case. The continuance would allow counsel for the defense
3 to obtain records, now located out of state, which are necessary to the defense, and would allow time
4 for the parties to discuss a possible negotiated disposition. The failure to grant such a continuance
5 would unreasonably deny counsel for the defendant the reasonable time necessary for effective
6 preparation, taking into account the exercise of due diligence.
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8 The parties further stipulate that the time from April 18, 2008, to May 16, 2008, should be
9 excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(8)(A) and
10 (B)(iv) for adequate preparation of counsel.
11

12 DATED: April 14, 2008

/S/

14 WADE RHYNE
15 Assistant United States Attorney

16 DATED: April 14, 2008

/S/

17 COLLEEN MARTIN
18 Assistant Federal Public Defender
19 Counsel for Jose Luis Ochoa-Gutierrez

20 I hereby attest that I have on file all holograph signatures for any signatures indicated by a
“conformed” signature (/S/) within this e-filed document.
21

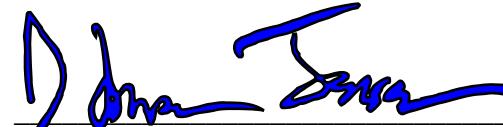
22 ORDER

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24 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the status conference date in
25 this case, currently scheduled for Friday, April 18, 2008, at 9:00 a.m. may be continued to Friday,
26 May 16, 2008, at 9:00 a.m. for status.

1 IT IS FURTHER ORDERED that the time from April 18, 2008 to May 16, 2008, should be
2 excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(8)(A) and
3 (B)(iv) for adequate preparation of counsel so that defense counsel can investigate this case,
4 including obtain records from out-of-state, and so that the parties can attempt to reach a settlement in
5 this case. The Court finds that the ends of justice served by the granting of the continuance
6 outweigh the best interests of the public and the defendant in a speedy and public trial and the failure
7 to grant the requested continuance would unreasonably deny counsel the reasonable time necessary
8 for effective preparation, taking into account due diligence.

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10 SO ORDERED.
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12 DATED: 4/15/08
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HONORABLE D. LOWELL JENSEN
United States District Judge

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